

Mr. Mark Lynch
122 Maryland Ave., NE
Washington, D.C. 20002

5/16/85

Dear Mark,

Background on the enclose memo to Jim Lesar: Mark Allen made a request of the FBI for copies of its JFK assassination records disclosed to the House Assassins committee after I did. I was not able to file suit, Jim did for Allen, and from time to time he sends me selections of what is disclosed. I am pretty sure I've sent you a few copies I thought might be of use to you in other cases. I may also have sent you copies I believe relevant in my litigation and perhaps of memos to Jim relating to "new evidence" that proves the FBI lied and my attestations are correct.

As it did about virtually everything before Smith, where it could be confident he'd tolerate anything, the FBI lied about ^{not} being able to search other than it claims to have searched to comply with the N.O. part of my request. (The search slips it provided preceed my request by about a year and are not in response to it.) In response I attested that I had provided, on appeal, copies of existing lists of relevant names that had been disclosed to me. The FBI's copies of such lists of pertinent names disclosed to Allen therefore proves not only that it lied and I was truthful but is new evidence that it did not need any discovery from me to be able to search and that no discovery from me would have enabled it to prove that it had complied. There are other similar disclosures of which I refer to a couple to Jim.

Whether or not it can have any meaning before Smith, I believe it is important to make a "new evidence" move and have that in the record. By now the costs assessable against me are, to me, quite significant and, as I've told you, I may have little choice but to refuse to pay them in the end and risk jail, and I'm not a bit anxious for that experience or any kind of martyrdom.

I mentioned wanting to file in Baltimore for what the FBI and DJ have admitted to me in writing that they have, is pertinent and after many, many months remains withheld. Getting this in the record has additional importances to me, in this litigation and its possible outcome and in terms of informing any appeals court judges and clerks who read that the FBI has been lying about me and its treatment of me all along. There is no reasonable excuse for the continued withholdings after ~~XXII~~ all these months. Meanwhile, all along the existing and withheld records were in the Phillips unit at the time he swore they did not exist and there were no records of their existence.

At the same time, this approach can, I believe, overturn the precedents they have established and can have other importances in the not necessarily distant future. I am not proposing anything more than "new evidence" disclosed to Mark Allen but withheld from me and lied about in this litigation plus a couple of letters to me from DJ reporting the existence of records that remain withheld and are pertinent. With regard to the police broadcast recordings, Phillips swore that the FBI never had them when his own unit had records of how and when it got them and necessarily actually handled them, giving them to Criminals. I also asked for those records months ago and received not even an acknowledgement.

For your information, not as relevant in this litigation, there is considerable importance in the police broadcast recording. The AG convoked an outside-FOIA panel of experts to analyze and report on the recordings, used in the final conclusions of the House committee. There exists substantial reason to believe that what the FBI gave to the panel as the originals are in fact dubs that include crosstalk not on the original. There is a certain source of embarrassment to the FBI in another area: in transcribing the recordings it omitted important information having to do with where the murdered cop, J.D. Tippit was and when he was there. I have a dub, transcript or both made by a friend from a tape leaked to a friend of the Dallas police.

*Best
Harold*